Revenue (1942) Department.

SERIES.

G.U. No. 394

Dated 12th February 1942.

[Despatch Abstract.]

Suits - Bellary - District Munsif's Court, Hospet - O.S. Nos 113 and 322/1941 - Defence - Engagement of Government Pleader, Bellary and special fees - Sanctioned.

VERY EMERGENT.

REVENUE DEPARTMENT

Subject.

4701- 5 FEB 1942 REVENUE DEPARTMENT

SUITS - (Bellary) - District Munsif's Court, Hospet - O.S.No.1941/11 Harpanahalli taluk - Naranapuram village - S.Nos.17, 68 etc Togarikatti village - S.No.254/A - Right to irrigate from a drainage channel - Engagement of the Government Pleader, Bellary - Sanction applied for.

Refce. H. No.2097/41-2,

Station: M a d r a s. Dated the 3rd February 1942.

From

F.W.A. Morris, Esq., I.C.S.,
Joint Secretary, Board of Revenue.

G.W. Priestley, Esq., I.C.S., Commissioner of Land Revenue and Irrigation.

Read:-

Board's Proceedings No.1308 Misc., dated 17-5-1941.
-do- 2948 -do- 1-11-1941.
Letter from I.M. Fraser, Esq., I.C.S., Collector of Bellary Roc.No.4757-41 A1. dated 10-10-1941.
Board's Reference No.H.2097/41-1, dated 13-11-1941.
Letter from I.M. Fraser, Esq., I.C.S., Collector of Bellary Roc. A1.No.4757/41, dated 22-12-1941.

REFERENCE:

Submitted to the Government.

2. In its two proceedings cited above the Board has sanctioned the defence of two suits, O.S.No.113/1941 and O.S. No.322/41 on the file of the District Munsif's Court, Hospet. In both the suits, the plaintiff is the same person. In the first suit, the plaintiff claims right to irrigation from a drainage channel while in the second, the plaintiff objects to the transfe of a certain land from dry to wet ordered by the Collector.

3. In October last, at the instance of the Pleader doing Government work at Hospet, the Collector requested the Government Pleader, Bellary, to defend the first suit, as the local pleader felt diffident and as the Government Pleader, Bellary was acquainted with the facts of the case and applied to the Board for approval of his action in having entrusted the case to the Government Pleader, Bellary.

reference from the Board as to whether the engagement of the Government Pleader, Bellary would involve the payment of a fee higher than the regulation fee allowed for the suit, the Collector reports that the Government Pleader claims a fee of Rs.35/- per day in addition to Travelling Allowance to and from Hospet according to rules on the criminal side. As under the latest orders of the Government in G.O. Nos. 4350, Home, dated 25-10-1940 and 3720, Home, dated 18-8-1941, the sanction of the Government is necessary for payment of any fee other than the regulation fee, the Board is of opinion that in the circumstances reported by the Collector and especially in view of the diffidence expressed by the local pleader doing Government work, it would be unwise to allow the local pleader to conduct these cases. The Board accordingly requests the Government will be pleased to sanction the engagement of the Government Pleader, Bellary and to pay him at the rate claimed by him.

N. Ramaswami 3/2/42
for JOINT SECRETARY.

REVENUE DEPARTMENT

Subject.

4701- 5 FEB 1942 REVENUE DEPARTMENT

SUITS - (Bellary) - District Munsif's Court, Hospet - O.S.No.1941/119 Harpanahalli taluk - Naranapuram village - S.Nos.17, 68 etc. Togarikatti village - S.No.254/A - Right to irrigate from a drainage channel - Engagement of the Government Pleader, Bellary - Sanction applied for.

Refce. H. No.2097/41-2,

Station: M a d r a s, Dated the 3rd February 1942.

From

V.A. Morris Esq., I.C.S.,
Joint Secretary, Board of Revenue.

G.W. Priestley, Esq., I.C.S., Commissioner of Land Revenue and Irrigation.

Read:-

Board's Proceedings No.1308 Misc., dated 17-5-1941.
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REFERENCE:

Submitted to the Government.

2. In its two proceedings cited above the Board has sanctioned the defence of two suits, O.S.No.113/1941 and O.S. No.322/41 on the file of the District Munsif's Court, Hospet. In both the suits, the plaintiff is the same person. In the first suit, the plaintiff claims right to irrigation from a drainage channel while in the second, the plaintiff objects to the transfer of a certain land from dry to wet ordered by the Collector.

3. In October last, at the instance of the Pleader doing Government work at Hospet, the Collector requested the Government Pleader, Bellary, to defend the first suit, as the local pleader felt diffident and as the Government Pleader, Bellary was acquainted with the facts of the case, and applied to the Board for approval of his action in having entrusted the case to the Government Pleader, Bellary.

4. On a reference from the Board as to whether the engagement of the Government Pleader, Bellary would involve the payment of a fee higher than the regulation fee allowed for the suit, the Collector reports that the Government Pleader claims a fee of Rs.35/- per day in addition to Travelling Allowance to and from Hospet according to rules on the criminal side. As under the latest orders of the Government in G.O. Nos. 4350, Home, dated 25-10-1940 and 3720, Home, dated 18-8-1941, the sanction of the Government is necessary for payment of any fee other than the regulation fee, the Board is of opinion that in the circumstances reported by the Collector and especially in view of the diffidence expressed by the local pleader doing Government work, it would be unwise to allow the local pleader to conduct these cases. The Board accordingly requests the Government will be pleased to sanction the engagement of the Government Pleader, Bellary and to pay him at the rate claimed by him.

xx xx

N. Ayyaswami 3/2/42

for JOINT SECRETARY.

A.Sec./12-2-42 20-

Subject vide the slip attached

G.O.(Ms.)/5620-Rd/ 9 = FEB 1942

Read the following:---

(C.No.470 F/42). From the Bd. of Rev., Ref.No.H.2097/41-2 d.3.2.42.

Order Ms. No. 394 d. 12·2·42

In the circumstances reported by the Board of Rev., in its reference read above, the Govt. ~~direct that~~ approve its proposal to entrust the conduct of the defence of suits in O.S.Nos.113 and 322 of 1941 on the file of the Dt.Munsif's Court, Hospet, ~~Bellary Dt., should be entrusted~~ to the Government Pleader, Bellary. They also sanction the payment to the Govt. Pleader of a ~~daily~~ fee of Rs.35/- Rupees thirty five only per diem and travelling allowance ~~admissible~~ under rule 6(b) of Annexure VII to the Madras Travelling Allowance Rules. He will not, however, be paid any daily allowance.

To the Board of Rev. 5-2-42

Copy to the Collr., Bellary

" A.G.through Fin.

Copy for stock file.

Note.

The draft above is submitted in accordance with the Board's recommendation in para 4 of his letter cited which may be accepted S.O.No.11 in Part I of the Annexure to G.O.No.4350 Home d.25.10.40 prescribes the rate of T.A. to which the Govt. Pleaders and Public Prosecutors are eligible. This has been adopted in the draft subject to order.

2.May be sent to Home and Fin. for acceptance.

Fin.E-I May be accepted

1.u.o.5620-2-Ft.I 10-2-42

No.0677 7-2-1942

5-2-42

7-2-42

Home(L)Dept.

The draft order may be accepted and the file passed on to Finance

7/2

Revcon.No.470F/42-1 7.2.42 Home

466/F-1 F.W. 9/2/42

7-2-1942

8/2 Fin.

Issued